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FILED

JUL 10 2007
RICHARD L. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 KHAHN DANG VU and
15 LAM THANH NGUYEN,

16 Defendants.

No. CR 07-70337 PVT

**STIPULATION TO CONTINUE
PRELIMINARY HEARING AND
EXCLUDE TIME; [PROPOSED] ORDER**

2J

17 Defendants and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the preliminary hearing in the above-captioned matter, presently
19 scheduled for Thursday, July 12, 2007, be continued to Thursday, August 23, 2007, at 9:30 a.m.

20 The continuance is requested because one or both defendants may agree to proceed by
21 Information and waiver of Indictment, but additional time is needed for counsel to review the
22 case before making that determination. Additionally, substitute counsel, Mary Conn, Esq., has
23 recently been retained on behalf of defendant Lam Thanh Nguyen, and requires time to
24 familiarize herself with the case.

25 The parties further agree that time for arraignment or preliminary hearing should be
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STIPULATION TO CONTINUE
PRELIM. HEARING; [PROPOSED] ORDER
No. CR 07-70337 PVT

1 excluded under the Speedy Trial Act because the defense requires time for effective preparation
 2 and investigation, and the ends of justice outweigh the defendants' and the public's need for
 3 filing charges on an earlier date.

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 5 Dated: 7/9/07

/s/
 LARA S. VINNARD
 Assistant Federal Public Defender
 Attorney for Khanh Vu

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 7 Dated: 7/9/07

/s/
 MARY CONN
 Attorney for Lam Thanh Nguyen

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 9 Dated: 7/10/07

/s/
 JEFFREY B. SCHENK
 Assistant United States Attorney

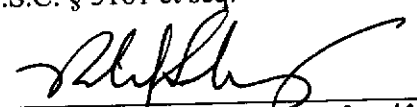
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 11
 12 **ORDER**

13 The parties have jointly requested a continuance of the preliminary hearing set for July
 14 12, 2007, to allow time for one or both defendants to determine whether to proceed by
 15 Information or Indictment, and to allow time for new counsel, Mary Conn, Esq., to familiarize
 16 herself with the case.

17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
 18 presently set for July 12, 2007, be continued to August 23, 2007, at 9:30 a.m.

19 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
 20 from July 12, 2007 to August 23, 2007, shall be excluded from the period of time within which
 21 charges must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

22 Dated: 7/10/07


 PATRICIA V. TRUMBULL RICHARD SEEBURG
 United States Magistrate Judge

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 STIPULATION TO CONTINUE
 PRELIM. HEARING; [PROPOSED] ORDER
 No. CR 07-70337 PVT